

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CELERINO CARRASCO,  
Plaintiff,

v.

UNITED STATES GOVERNMENT,  
DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,  
Defendant.

Case No. C06-5104RJB

ORDER TO PROVIDE PROOF  
OF SERVICE OR SHOW CAUSE

After careful review of the record, the court hereby ORDERS:

(1) In relevant part, FRCP 4(m) provides:

Time limit for service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or upon its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The complaint in this matter was submitted on or about February 15, 2006, along with an application to proceed in forma pauperis. At that time Plaintiff was in custody of the Immigration and Customs Enforcement ("ICE") agency at the Northwest Detention Center in Tacoma. The record reflects that Plaintiff not been in custody of the ICE since February 28, 2006, when he was deported to Mexico. Based on his release, Plaintiff filed an updated application to proceed in forma pauperis as directed by the

1 court and the court granted the application on June 22, 2006. The Complaint was technically filed by the  
2 clerk on the following day, June 23, 2006. According to Rule 4(m) noted above, plaintiff was required to  
3 properly serve defendants with a copy of the original complaint along with a summons and file the required  
4 proof of service by not later than October 24, 2006.

5 After reviewing the record, the court noted defendants have not filed an answer to Complaint. On  
6 further review the court finds plaintiff has not filed proof of service of the original complaint or  
7 summonses. Accordingly, it appears plaintiff may not have properly served the complaint in this matter.

8 Plaintiff shall file proof of service or show cause why this matter should not be dismissed for lack of  
9 prosecution **by not later than November 22, 2006**

10 DATED this 30th day of October, 2006.

11  
12 /s/ J. Kelley Arnold  
13 J. Kelley Arnold  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28